

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MAXIMILIAN DOMINGUEZ,

Defendant.

8:05CR378

ORDER

This matter is before the court on the motion of defendant Maximilian Dominguez (Dominguez) to continue (Filing No. 27). In his motion Dominguez seeks a continuance of the pretrial motion deadline now set for December 15, 2005. Previously, the deadline had been extended to December 15, 2005, at the request of Dominguez (Filing No. 24). Dominguez's counsel represents that Dominguez is cooperating with the government and requires additional time to complete the cooperation. Further, Dominguez requests the "plea" be continued. Dominguez's counsel has attached his own affidavit rather than the defendant's; however, Dominguez's counsel does represent that Dominguez agrees to a continuance and understands the time required will be excluded under the speedy trial computation. Dominguez's co-defendant, Marco Covarrubias (Covarrubias), has filed a motion to suppress (Filing No. 25). Covarrubias's motion to suppress will be set for hearing and oral argument.

Accordingly, Dominguez's motion to continue (Filing No. 27) will be granted to the extent that Dominguez's trial or plea will be continued *sine die* pending the disposition of Covarrubias' motion to suppress. The pretrial motion deadline will not be extended as to Dominguez. The time required for this continuance shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 16th day of December, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge